

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

JIACONG ZHANG,

Plaintiff,

v.

URBAN BLUE CONSTRUCTION INC. and ZHANG
SUN

Defendants.

-----X

STATE OF NEW YORK)
) ss.:
COUNTY OF QUEENS)

Case No: 2:19-cv-05101

**AFFIRMATION IN
SUPPORT OF REQUEST
FOR CERTIFICATE OF
DEFAULT**

BAYA WHITMAN HARRISON IV, an attorney duly admitted to practice in New York and in this Court, affirms on penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am a member of the Bar of this Court and I am associated with the firm The Harrison Law Firm, P.C., attorney for Plaintiff JIACONG ZHANG (“Plaintiff”) in the above-entitled action, and I am familiar with all the facts and circumstances in this action. I submit this affirmation in support of Plaintiff’s application pursuant to Fed. R. Civ. P. 55(a) and Local Rule 55.1 for a Certificate of Default against the Defendant, URBAN BLUE CONSTRUCTION INC., for failure to appear in this action.

2. This action was commenced pursuant to the Fair Labor Standards Act (FLSA) and New York Labor Law (NYLL).

3. This action was commenced on September 8 2019, 2019 by the filing of the summons and complaint.

4. A copy of the summons and complaint was served on Defendant URBAN BLUE CONSTRUCTION INC. by personally serving the Secretary of State of New York pursuant to Section 306 of the New York Business Corporation Law at 99 Washington Avenue, Albany, NY 12210 on September 13, 2019. The affidavit of service was filed in this action on October 2, 2019. (Doc. No. 009). URBAN BLUE CONSTRUCTION INC.'s deadline to answer or move was October 4, 2019.

5. The time for Defendant URBAN BLUE CONSTRUCTION INC. to answer or otherwise move with respect to the complaint herein has expired.

6. Defendant URBAN BLUE CONSTRUCTION INC. has not answered or otherwise moved with respect to the complaint.

7. This is an action to recover unpaid overtime wages under the Fair Labor Standards Act owed by Defendants, jointly and severally, to Plaintiff. Plaintiff also alleges unpaid overtime wages and failure to provide statutorily-required notices and wage statements in violation of the New York Labor Law.

8. Jurisdiction of the subject matter of this action is based on federal question jurisdiction and supplemental jurisdiction of the related state-law claims.

WHEREFORE, Plaintiff JIACONG ZHANG requests that the default of Defendant URBAN BLUE CONSTRUCTION INC. be noted and a certificate of default be issued.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information, and belief, that the amount claimed is justly due to Plaintiff, and that no part thereof has been paid.

Dated: Flushing, New York
October 7, 2019

Respectfully submitted,
The Harrison Law Firm P.C.

By: Baya W. Harrison
Baya W. Harrison, Esq. (5678610)
The Harrison Law Firm P.C.
38-08 Union Street, Suite 11A, Flushing, NY
11354
Tel: (866) 943-2692 | Fax: (866) 943-2692
Email: bwh@heboya.com
Attorney for Plaintiffs